IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44036 of 2008

ASHWANI CHOUDHARY
@ ASHWANI KUMAR CHOUDHARY
S/o- Sri Sachidanand Choudhary
R/o- Chowk Bazar, Sultanganj, P.S.- Sultanganj,
District - Bhagalpur

Versus

STATE OF BIHAR

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2. 11.12.2008 Heard the parties.

Petitioner is an accused in a case for the offence registered under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted that petitioner is not named accused and no any overt act has been alleged against him. Even though the first information report has given the detailed description of the alleged occurrence. It is further submitted that during investigation, the name of the petitioner has been implicated on the basis of confessional statement of co-accused Sunil Kumar Mandal who is alleged to have said that the petitioner was also ready to participate in the alleged crime. Besides the examination under Section 164 Cr.P.C. of one Pankaj Kumar who remotely alleged that the name of the accused persons including the petitioner were also there but no specific overt act alleged against the petitioner.

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Learned counsel for the State is not in a position to refute the submissions made on behalf of the petitioner.

Considering the facts and circumstances of the case

and the submissions as made above, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 105 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Jagdish **(Shailesh Kumar Sinha,J)**

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